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Eden Comes A Long Way Just For A Boat Ride

Judging from the final communique, nothing—but nothing—was accomplished by the Eden mission to Washington. The United States and the United Kingdom emerged from the three days of secret conference firmly united against aggression and subversion—and as firmly agreed to remain in a state of friendly disagreement on other questions less lofty but more concrete than these contemporary synonyms for sin. The communique indicated that the talks were inconclusive on the Middle East, the Far East, the H-bomb and even Germany.

The U.S. and the United Kingdom reaffirmed their determination to bring about reunification of Germany "in freedom" but does this mean "freedom" to join NATO or freedom to hold elections in East Germany? They are against "aggressive expansion" in the Far East but would an attack on the offshore islands be aggressive expansion? The extent of their inability to make up their minds on the Middle East is best demonstrated by their agreement to consult France. The Anglo-Saxon powers are not accustomed to consult France; when they know what they want they merely forward predigested decisions to Paris.

The vagueness of the communique finds no compensation in the vapidity of the accompanying statement, grandiloquently termed "The Declaration of Washington." This illustrates chiefly the low literary level to which our English friends are being reduced by the American alliance at a time when our state papers seem to be drafted by those lesser minds Madison Avenue can spare from the more urgent tasks of soap advertising. Mr. Dulles's unctuous hand may be seen in the fulsome references to God. These bear such an oily familiarity to the "Gott mit uns" propaganda with which mankind generally whips itself up for mass slaughter that they can succeed only in driving thoughtful people to atheism. It is difficult to fathom the mentalities that seriously believe such tripe can have a strategic effect on the miserable, the ignorant and the rebellious in the outer world.

Bulganin and Chou Chime In

The Bulganin note and the Chou speech threatening war if necessary for Formosa were quickly pictured by the State Department's public relations men as attempts to split America and Britain. But they may also be regarded as efforts to strengthen Eden on his visit to the White House by making evident the need for diplomatic negotiation. The basic difference between American and British policy is that the former is opposed to, while the latter favors, negotiation. This in turn reflects the fact that while the U.S. finds the arms race a vital boondoggle for maintaining business, Britain cannot afford the cold war. The Bulganin note was nothing more than an effort to shake hands, but by refusing it we made ourselves seem churlish. The threat in the Chou speech made the headlines but its proposal for an Asian collective peace pact to include the U.S. was not so different from Eden's proposal two years ago for a Far Eastern Locarno. Peking's proposal for reconvening the 1954 Geneva conference, with India, Canada and Poland added, to deal with the deteriorating situation in Indochina, where Britain and France promised elections this July is serious business. We cannot go on brushing such things aside without putting ourselves in the wrong in the eyes of world opinion. Eden, who seeks to act in some degree as mediator between Washington and Moscow, and Washington and Peking, wants a resumption of negotiations. He came to Washington in the hope of bypassing Dulles and appealing over his head to Eisenhower, as he did so successfully in the Indochinese crisis in 1954.

In this Eden was disappointed. Thanks to the President's decision to "take it easy" while he recovers from his heart attack, the reins of foreign policy are firmly in the hands of Dulles. Eden's one private talk with Eisenhower was little more than a face-saver. In actuality he was pushed back to Eden-Dulles conversations on the old level. In this same stale atmosphere Eden had to take up his desire to formulate some curb on future thermonuclear tests once Britain has tried out its own H-bomb. But both Dulles and AEC Chairman Strauss are opposed. On the eve of Eden's arrival, R. H. Shackford, Scripps-Howard foreign expert, a favorite with the State Department, was briefed on the subject. "The United States," he reported on January 27 (Washington Daily News), "has abandoned all plans for seeking a disarmament agreement with Soviet Russia *or any other country* on thermonuclear weapons—hydrogen bombs." The italics are added.

Outlook Bleak

It looks as if only an outbreak of fighting around Quemoy and Matsu can break the rigidity into which American diplomacy has again fallen. Eisenhower seems to be grooming Nixon as his successor, thanks to Nixon's chameleon-like quality for changing over from fire-eater to sober conservative as a means of ingratiating himself with the big business men in the cabinet. Behind Eisenhower's cold remarks on Warren is believed to lie a private conversation in which the Chief Justice made it clear to the President that he really was not a candidate. Senator George is still pushing for a meeting between Dulles and Chou; the younger Democrats are restive. But it is amazing how quickly the uproar over the "brink of war" interview has died down. No less than four Congressional committees are preparing to investigate Ridgway's charges that defense spending is being subordinated to "politics" but there is as yet no sign of any inquiry into whether Dulles was telling the truth about those atomic ultimatums. It is a pity the Senate liberals spend so much time and talent on the safe topic of natural gas when there is such dangerous hot air to be investigated.

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How Britain Violated Its UN Obligations and Undercut Peaceful Partition of Palestine

What Should Not Be Forgotten In Israel's Crisis

As many readers know, I saw a good deal of the birth of Israel. I visited Palestine every year for six years from 1945 to 1950 inclusive. In 1946 I travelled as an illegal immigrant from the Polish-Czech frontier through the British blockade to Palestine. In 1947 I was on one of the prison ships which took illegals to Cyprus, and I celebrated Passover in one of the British detention camps on that lovely Greek island. I got to Palestine again in 1948 just before Statehood was declared and stayed on until after the first truce, covering the Arab-Jewish war for *PM*. I remember cowering in an open ditch in the border settlement of Negba when it was bombed by the Egyptians and I remember stumbling along by starlight with the human pack train that volunteered to carry supplies at night past the Arab fortress at Latrun and over rocky Bab-el-Wad to besieged Jerusalem.

Though it was only as a newspaperman, I had the privilege of seeing my people in some of the greatest moments of their long history—as they emerged from the hells of Auschwitz and Buchenwald, packed into the old freighters which served as their Mayflowers on the Mediterranean, fighting against odds which seemed overwhelming to reestablish a Jewish nation. I cannot write of those years or of Israel with objectivity. But as a new crisis looms up in its existence I would like to recall some aspects of those all too recent events which Jews dare not forget, and which I would ask non-Jews in all kindness to remember.

The Many Who Could Have Been Saved

It is much too early to forget what happened with the rise of Hitler, the indifference of the State Department toward the pre-war refugees, the shiploads the British Foreign Office turned away from Palestine in 1939-41, the hopeless who blew themselves up in mass suicide on the *Patria* and the *Struma*, the cruel farce of the Bermuda conference at that very moment in 1943 when the remnants of the Warsaw ghetto were staging their uprising. Had there been the tiniest semblance of a Jewish State in Palestine, it could have saved many of those who later went to the crematoriums. If nothing else it could have supplied those precious *papers* without which a man was no longer a man in pre-war Europe but stateless, with no right to remain where he was yet no right to go elsewhere. There have been too many Hitlers too often to be sure that new persecutions may not occur, in which the existence of a Jewish State would offer a haven. A bitter history warns us that this might make a difference to our children or our children's children.

In this crisis it is also much too soon to forget exactly why and how war broke out in Palestine between the Jews and the Arabs. Sixteen days before the United Nations General Assembly voted by more than the required two-thirds for the partition of Palestine between them, Britain's delegate, Sir Hartley Shawcross said "If States are to permit themselves—and to be permitted—to cooperate with the [United Nations] Organization when it suits them and to stand aside, or to attempt to sabotage it when it does not, this Organization would be rendered wholly abortive . . . " The occasion was a debate over the Soviet veto but the words applied as neatly to Britain's attitude toward that partition decision. Bevin had asked the UN to act on Palestine. Every other member of the British Commonwealth had voted for partition. The UN resolution called for a Jewish and an Arab State to be linked economically. It sought to provide for a peaceful transition by directing the British, as the mandatory power, progressively to hand over the functions of government to two provisional State councils, Arab and Jewish. Bevin declined to cooperate with the UN and encouraged the Arabs to defy the UN decision. So did the State Department by reversing the American position and on March 19, 1948, asking the Security Council "to suspend . . . the proposed partition plan."

Confirming An Old Suspicion

From Mr. Truman's Memoirs

"The Department of State's specialists on the Near East were, almost without exception, unfriendly to the idea of a Jewish State. . . . Like most of the British diplomats, some of our diplomats also thought that the Arabs should be appeased. I am sorry to say that there were some among them who were also inclined to be anti-Semitic."

—Installment 9, New York Times, January 31.

The Pogroms They Expected Did Not Happen

Then as now, behind the moralizing, was a concern only for oil and bases. The Arab States were confident, and looked forward to easy pogroms. "This war," boasted Azzam Pasha, the Secretary General of the Arab League, "will be a war of extermination and a momentous massacre which will be spoken of like the Mongol massacres and the Crusades." Yet the State Department six days after partition was voted imposed a unilateral arms embargo on the Middle East which had the effect of shutting off arms to Israel while leaving the Arabs free to obtain arms from the British. When Bevin was asked in the Commons on April 28, 1948, whether Britain would go on supplying the Arab States with arms though their armies were massing on the Palestine borders, his cynical answer was "we must honor our contracts." Thus Anglo-American influence, which might have brought about a peaceful transition, was utilized to encourage war against the UN decision. The Jews had no recourse but to fight for their lives, and the war was stopped only when the Foreign Office and the State Department suddenly realized that the Arabs were losing.

The Arab refugees weigh upon my conscience, and I believe it the moral duty of Jews everywhere to contribute when peace is made toward their resettlement. They are the tragic victims of a tragic war, in which both sides felt that they were fighting a war of national survival. But as another crucial moment arrives, when the great Powers must again decide whether to bring about peace or foment renewed war, it is important to remember that the earlier war might possibly have been avoided if the Foreign Office and the State Department had honored their obligations to the United Nations.

And qualitatively the situation is made no different because this time the Soviet Union has embarked with zest on the same game, competing with the West to furnish with expensive arms poverty stricken feudal principalities whose people need bread and peace, even as do those of Israel.

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After Eight Years, Judge Edgerton Strikes A Blow at the House Un-American Committee

Why Congressional Witch Hunters Are Upset by The Watkins Reversal

It is not hard to imagine the satisfaction with which Judge Henry W. Edgerton of the U.S. Court of Appeals for the District of Columbia reversed the conviction of John T. Watkins for contempt of the House Un-American Activities Committee. Judge Edgerton had waited eight years for that moment.

In November, 1947, Judge Edgerton in an eloquent dissent, attacked the House Un-American Activities Committee as altogether unconstitutional. He said it "abridges freedom of speech and inflicts punishment without trial" (*Barsky v. U.S.* 167 F 2d 241). But the cold war had just begun. Judge Edgerton remained a lonely objector as his colleagues in the cases of the Hollywood Ten and of the Joint Anti-Fascist Refugee Committee upheld the power of Congress to engage in a latter day inquisition, to root out heretics, and to pillory those whose views it regarded as suspect.

In reversing the Watkins conviction, Judge Edgerton also began to reverse that line of cases. What had so long seemed a hopeless minority opinion began to emerge as majority law. Though Watkins did not plead the Fifth Amendment, his refusal to identify others as Communists was upheld. Judge Edgerton ruled—and it was the first ruling of its kind in this period—that the House Un-American Activities Committee did not have a lawful right to ask questions whose only purpose was to expose the names of those who had been members of the Communist party.

Part Lottery, Part Change

The ruling was part accident, part reflection of a new climate of opinion. It was an accident that put Judge David L. Bazelon with Judge Edgerton on the panel of three chosen from the full Court of nine to pass on the Watkins case. Judge Bazelon, a younger man and newer judge, a Truman appointee, has developed insight, courage and militancy on the bench. The result was a 2-to-1 verdict against the House Committee.

The change in the climate of opinion is reflected in the Watkins defense. Here was a United Automobile Workers organizer who admitted that he had cooperated so closely with the Communist party from 1942 to 1947 "that some persons may honestly believe that I was a member of the Party." He declined to "cooperate" with the Committee. Yet he was defended by his union and by its counsel, Joseph L. Rauh, Jr., head of *Americans for Democratic Action*. Two or three years ago Walter Reuther would hardly have put his union officially behind the Watkins defense.

The Watkins decision touched a most sensitive nerve. Ever since Martin Dies, the House Committee has claimed to be a roving public grand jury with a mandate to expose Communists, present and past, real and suspected. One of its principal aims has been to compile a huge blacklist with which to destroy reputations and livelihood. Judge Edgerton pointed out that 54 of the 89 pages in the Committee's report for 1952 were devoted "to the names and addresses of such persons" while its report for 1953 "devotes 59 out of 193 pages to a similar list."

Warren Provided The Cue

Has a Committee of Congress the right to "expose" persons whose political opinions it dislikes? The Watkins decision begins to say that it does not. Judge Edgerton invoked the words used by Chief Justice Warren last year in the *Quinn* case (349 U.S. 155) saying that the Congressional power of investigation "cannot be used to inquire into private affairs unrelated to a valid legislative power" and that "the power to investigate must not be confused with any of the powers of law enforcement." These admonitions say gently what Judge Edgerton eight years ago said boldly—that Congress can operate neither an Inquisition nor a permanent roving grand jury.

On this basis Judge Edgerton ruled that it was "very questionable" whether exposure of individuals to public contempt or hostility is a "valid legislative purpose." And he added, "Since Congress has 'no powers of law enforcement' it would have no power, in the absence of a valid legislative purpose, to expose former Communists, even if there were a law requiring that former Communists be exposed."

The observant reader will notice that this is limited to *former* Communists.. The reason may be that Judges Edgerton and Bazelon sought a way to reconcile this new decision with the past rulings of their Circuit. They insist that in the Hollywood Ten case, the Circuit Court merely held that Congress had the power to inquire "whether a witness . . . is or is not" a Communist. They seek to "distinguish" their ruling from the Joint Anti-Fascist Refugee Committee case by arguing that "to hold . . . that the [House] Committee may inquire whether members of an organization shown to engage in propaganda are now Communists does not imply that it may inquire whether members of a union not shown to engage, in, or likely to engage in, propaganda were once Communists." Such are the hairs split by Judges who seek to change precedent without appearing to do so.

The Witness Decides What to Tell

The reason for the outcry among the Congressional witch hunters and their demand for an appeal to the Supreme Court does not lie in the implication that *former* Communists may not be exposed. The reason lies deeper. *It is that under the Watkins case the witness rather than the committee might decide the sphere and limits of investigation.* This is made clear in Judge Bastian's dissent.

"It would seem," Judge Bastian protested, "that appellant [Watkins] feels, and the majority agrees, that since the questions involve a time period beginning some ten years prior to the inquiry, the case was one of exposure for exposure's sake. Are we to assume . . . that information as to Communist Party activities five or ten years ago would be of no use to the Committee at this time? Is appellant to be the judge as to whether the named persons are 'to his best knowledge and belief' no longer Communists? . . . Is he to be the judge as to what information the Committee feels it reasonably needs?"

What Matusow Won

Last March 12, at the close of the hearing on the motion for a new trial for Clifford Jencks, Federal Judge Thomason summoned Harvey Matusow to the bench and said "I am thoroughly convinced that you are in contempt of court in that you, alone or in conjunction with others, deliberately, maliciously and designedly schemed to obstruct justice . . . by recanting your former testimony. . . . Before sentencing you, however, I will give you a hearing . . ." At the hearing four days later, Matusow was sentenced to three years in jail for contempt.

This conviction was unanimously reversed January 27 by the Court of Appeals for the Fifth Circuit. It held that perjury alone was not contempt—"misbehavior constituting obstruction of the court must also be established." It ruled that since Judge Thomason alleged a conspiracy between Matusow and others, he could be convicted only after a full trial on the charge.

The government now has two alternatives, neither easy. It can seek an indictment for perjury and try Matusow on that charge. Or it can try him for contempt on the ground that he conspired with others to obstruct justice by committing perjury. But it cannot, in the light of the Circuit Court opinion, short-circuit trial by imposing summary penalty for contempt. The decision was another round lost for the government in its campaign to punish Matusow for his recantation.

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The Case of the Fort Dix Eight Proves Senator Hennings Was Gulled

The Shadow of Military Thought Control Still Falls Across The Nation's Youth

Though McCarthy lost his fight with the Army and ended up as a dead duck politically, the loyalty regulations the Army adopted to appease him were not interred with his bones. Despite assurance by the Army, a jubilant statement by Senator Hennings and new assurances by Secretary of Defense Wilson at press conference last week, the danger that young men will be branded for life with a less than honorable discharge on vague pre-induction grounds is still with us. Perhaps we owe a special debt to the unknown military bureaucrat who served notice on the Fort Dix Eight that they faced such a discharge just a few days after Senator Hennings announced that the military had agreed to discontinue the practice. That notice served to dramatize the undependable character of those assurances.

A careful reading of the exchanges between Senator Hennings and the Defense Department shows that amid the tortured bureaucratic prose ample loopholes were provided to continue all the practices of which the Senator complained. The military genius for double-talk was never more fulsomely displayed than in these documents. The facts seem to us very simple. The only legal basis for anything like "loyalty" procedures in the Army is a 1950 appropriations rider forbidding the induction of persons who belong to any party which "advocates overthrow of the government by force and violence." This is the language and it is at least precise. Nothing is said about "subversion," the Attorney General's list or vague nonsense of that kind.

The Wrong Kind of "Loyalty"

The evil arose not from this but from the extension to the Army of the President's loyalty order. The military were shrewd enough to see that a simple extension would not hold water since the loyalty order by its terms is limited to civilian agencies. So they simply "modelled" their procedure on the loyalty order. But this dodge does not get away from the fact that a soldier is not a civil servant. It may be true that no one has a right to government employment, but it is equally true that no one has a right to evade the draft. A draftee is an involuntary employe. The Army has no statutory right or equitable reason for subjecting draftees to the derogatory rubbish method of screening applied to government employes, much less to take men into the Army and then refuse them an honorable discharge despite honorable service because they once gave $5 to aid Republican Spain or invoked their rights under the Fifth amendment to protect themselves from the vague beartrap questions in the Army loyalty form. When Assistant Secretary of the Army Hugh Milton II was before the Hennings committee, he admitted under examination by Lon Hocker that such discharges had nothing whatsoever to do with the problem of discipline in the Army.

The character of the discharge ought to be based on the character of the service in the Army, and though this seems to have been promised by the Army correspondence with Senator Hennings, there are loopholes which allow these promises easily to be circumvented. Redress in the courts is difficult as recent decisions by Judges Edelstein in New York and Youngdahl in Washington have shown because until the field board hearings have been held "administrative remedies have not been exhausted." But once the discharge is given, precedents only the Supreme Court can change do not allow the courts to interfere. It is on this dilemma that the Fort Dix Eight may founder in their current effort to get a stay from Supreme Court Justice Harlan.

The Defense Department can prove its sincerity only by withdrawing the notices to the Fort Dix Eight, and by embodying in specific new regulations the assurances given Senator Hennings. One need not doubt Mr. Wilson's personal sincerity to suspect that in the Army there are high officers who see the value of the less than honorable discharge procedure in controlling the nation's youth. The present system puts a young man on notice that any political "indiscretion" not only before induction but during his period in the reserve can be utilized to brand him undesirable. Thought control comes natural to the military martinet.

Salute and Snort

We salute Congressman Roy Wier of Minnesota for being again the only member of the House to vote against the annual appropriation for the Un-American Activities Committee and we wonder again when this country will pick up enough courage and conscience to get rid of this legislative excrescence.

In Memoriam

We raise our hat in mourning at the passing of H. L. Mencken, the best writer newspaper work developed in our generation, the kindliest editor and (for all his lusty prejudices) the most discriminating and catholic of critics. His thinking stemmed from Nietzsche's and led him far to the right, but he gave a joyful illumination to many aspects of our time.

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